D.B.CIVIL SPECIAL APPEAL (W) NO. 384/2005
Ram Chandra v. Union of India & ors. .

Date of order : 11.10.2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri A.K.Chhangani for the appellant
Shri Jagdish Vyas for the respondents.

Challenging the correctness of the telephone bill with respect to Number 2654811/Jodhpur the appellant filed writ petition. Before the learned Single Judge a plea was made for reference of dispute to the arbitrator which was not allowed. The petition was dismissed with observation that the appellant is free to take steps for redressal of his grievance in accordance with law.

Section 7-B of the Indian Telegraph Act, 1885 provides that any dispute concerning any telegraph line, appliance or apparatus arises between the telegraph authority and the person for whose benefit the line, appliance or apparatus is or has been provided “the dispute shall be determined by arbitration and shall, for the purposes of such determination, be referred to an arbitrator appointed by the Central Government, either specially for the determination of that dispute or generally for the determination of disputes under this section.”

After hearing counsel for the parties, we are of the view that it was a fit case where the matter should have been referred for arbitration to the arbitrator appointed by the Central Government. We accordingly permit the petitioner to make application to the General Manager, BSNL, District Jodhpur, along with a copy of this order. On such application, the dispute shall be referred to the arbitrator for arbitration under section 7-B of the Act.

In the meantime till resolution of the dispute by the arbitrator, on the appellant depositing the sum of Rs. 5000/- without prejudice to the rights and contentions of the either party within one week from today the telephone line of the appellant will not be disconnected.

The order of the learned Single Judge is modified to this extent and the writ petition as well as this appeal are disposed of accordingly.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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